

Notice of Allowability

Application No.

10/629,744

Examiner

Shew-Fen Lin

Applicant(s)

BORDAWEKAR ET AL.

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/7/07.
2. ☒ The allowed claim(s) is/are 1-7 and 16-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

- a. This action is taken to response to amendments and remarks filed on 5/8/2007 request for continued examination (RCE) filed on 6/7/2007.
- b. Claims 1-7 and 16-28 (renumber as 1-20) are allowed. Claims 14-15 are cancelled.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone conversation with Applicant's attorney Frederick Cooperrider on August 6, 2007.

Please amend the claims, which was filed on 5/8/2007, as follows:

In The Claims:

- **Claims 14-15 have been canceled**
- **Claim 22 has been amended.**

Claim 22. A ~~recording~~ machine-readable data storage medium storing a program for making a computer maintain the order of nodes in an hierarchical document, the program comprising:

instructions for selecting a first parameter corresponding to a selected maximum fanout of an auxiliary ordered tree;

instructions for selecting a second parameter corresponding to a selected number of sub-trees created after a split;

instructions for building the auxiliary ordered tree having at least as many leaves as atoms within said hierarchical document based upon the first and second parameters; instructions for attaching the atoms to the leaves of said auxiliary ordered tree; and

instructions for labeling each of the nodes in the auxiliary ordered tree, wherein said labels comprise integer numbers having a size that is bounded by said first parameter and said second parameter.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 16, and 22 each recites, among other limitations, the limitation of "a first parameter... a second parameter corresponding to a selected number of sub-trees created after a split; building the auxiliary ordered tree having at least as many leaves as atoms within said hierarchical document based upon the first and second parameters" to build and label a ordered tree based on a first and a second parameters.

However, none of the prior art of the record teaches or suggests, independently or in combination, the combination of claimed elements including the specific features recited by the independent claims, 1, 16, and 22 as indicated above.

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The dependent claims, being definite, further limiting, and fully enabled by the specification and are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 7, 2007

Shew-Fen Lin
Patent Examiner
Art Unit 2166


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER